

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AMBER GASCHO, *et al.*,

Plaintiffs,

v.

GLOBAL FITNESS HOLDINGS, LLC,

Defendants.

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Case No. 2:11-cv-436

Judge Smith

Magistrate Judge King

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FINAL JUDGMENT

IT IS HEREBY ADJUDGED AND DECREED THAT:

1. The settlement of this class action on the terms set forth in the parties' Settlement Agreement and Release¹ with Exhibits (collectively, the "Settlement Agreement"), dated September 12, 2013, is approved, and the following Class and Subclasses are granted certification for settlement purposes under Fed. R. Civ. P. 23(a) and 23(b)(3):

- a. The "Class" includes all individuals who signed a gym membership or personal training contract with Defendant during the Class Period which is January 1, 2006, to October 26, 2012, and who did not file a valid Opt-Out Request. The total number of Class members is approximately 605,735 persons.
- b. The "FIF Subclass" includes all Class Members who paid a \$15 Facility Improvement Fee ("FIF"), Club Administrative Fee ("CAF"), or any other biannual \$15 fee charged by Defendant during the FIF Subclass Period, which is

¹ Unless otherwise provided herein, all terms in this Final Judgment shall have the same meaning as set forth in the Settlement Agreement.

April 1, 2009, to October 26, 2012, and did not file a valid Opt-Out Request.

The total number of FIF Subclass members is approximately 300,017 persons.

c. The “Gym Cancel Subclass” includes all Class Members who cancelled their gym membership contract, and did not file a valid Opt-Out Request. The total number of Gym Cancel Subclass members is approximately 323,518 persons.

d. The “Personal Training Cancel Subclass” includes all Class Members who cancelled a personal training contract, and did not file a valid Opt-Out Request.

The total number of Personal Training Cancel Subclass members is approximately 50,038 persons.

2. Individual Postcard Notice, email notice, and a reminder email notice complying with Fed. R. Civ. P. 23(c)(2), 23(e) was sent to each reasonably identifiable Class and Subclass Member’s last-known address and email address. Follow-up procedures outlined in the Settlement Agreement were completed on behalf of the parties. With respect to the state law and common law claims, the Court finds that the Settling Plaintiffs, as defined in the Settlement Agreement (all Class Members who have not timely opted out of the settlement), are bound by the Final Judgment.

4. The claims in this action are dismissed on the merits and with prejudice according to the terms and conditions set forth in the parties’ Settlement Agreement and in the Court’s Final Order Approving Class Action Settlement, dated July 16, 2014, without costs to any party or non-party except as provided therein.

FINAL JUDGMENT is hereby entered in accordance with Fed. R. Civ. P. 58 this 16th day of July, 2014.

s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT